

May 7, 2021

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *Amorosa v. General Electric Co.*, No. 21-cv-3137 (S.D.N.Y.) (the “Amorosa Action”) and *Sjunde AP-Fonden v. General Electric Co.*, No. 17-cv-8457 (S.D.N.Y.) (the “Class Action”)

Dear Judge Furman:

We write jointly on behalf of the parties in the above-referenced actions pursuant to the Court’s April 16, 2021 Order (ECF No. 214) (“Order”) asking the parties to address their positions on how the Court should proceed with the recently filed Amorosa Action (No. 21-cv-3137). The parties have met and conferred and address the points in the Court’s Order below.

First, the parties do not believe that the cases should be consolidated pursuant to Federal Rule of Civil Procedure 42. Plaintiffs in the Amorosa Action are asserting only individual claims and do not seek to represent a class. To the extent that there is overlap with class claims asserted in the Class Action, Plaintiffs in the Amorosa Action are effectively “opting out” of any class that may be certified in the future. Moreover, there are claims asserted in the Amorosa Action that are not asserted in the Class Action, including state law claims.

Second, the parties agree that coordination of discovery may make sense because there is factual overlap between the claims in the two actions, and have agreed to revisit the issue of potential coordination following Defendants’ response to the complaint filed in the Amorosa Action, due on June 14, 2021. Defendants anticipate filing a motion to dismiss the Amorosa Action, including on additional grounds not addressed in the Court’s prior rulings in the Class Action.

Third, if the Court agrees with the parties’ suggestion for the treatment of these issues, there is no need for a conference at this time. However, should the Court find it helpful, the parties would be happy to address any of these issues with the Court at a conference.

Finally, the parties do not have any additional issues to raise with the Court at this time that bear on the Court’s management of the cases going forward.

Respectfully submitted,

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